



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

UPS

JAN 10 2011

Mr. Bill Hill
Site Supervisor
Ashland, Inc.
329 West Main Street
Elkton, MD 21921

Re: Notice of Violation
Compliance Evaluation Inspection
March 23, 2010
EPA ID No. MDD003067832

Docket No.: R3-11-NOV-RCRA-12

Dear Mr. Hill:

On March 23, 2010, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of the Ashland, Inc. Facility ("Ashland" or "Facility") located in Elkton, Maryland under the federally authorized Code of Maryland Regulations ("COMAR") Title 26 Subtitle 13 (Disposal of Controlled Hazardous Substances) and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the inspection, EPA has determined that Ashland has violated regulations under COMAR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. A significant amount of aerosol can materials were observed in the Maintenance Shop. Facility personnel could not document how the aerosol cans were eventually being disposed of. It appeared that the used aerosol cans generated in these areas were being disposed of in the general trash. Due to the wide range of propellants and products found in aerosol cans, the contents of such aerosol cans may be found to be flammable and/or reactive.

Additionally a supply of GE Multi-Vapor lamps was also observed in the Maintenance Shop. The sleeves on these lamps identified them as containing mercury. It appeared that these lamps, once used, were being disposed of in the general trash.

For both the aerosol can and mercury containing lamp waste streams, State and federal regulations at COMAR 26.13.03.02A [40 C.F.R. § 262.11] require that:

"A person who generates a solid waste, as defined in 40 CFR § 261.2, must determine if that waste is a hazardous waste using the following method..."

A copy of the CEI inspection report, documenting the findings of the inspector, is enclosed for your information and includes only those attachments not provided by the Facility representative(s) at the time of or subsequent to the inspection.

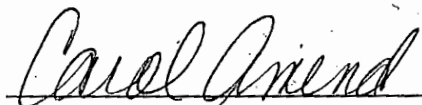
Within thirty (30) calendar days of the receipt of this NOV, please submit documentation of any measures that Ashland has taken or is taking to achieve compliance with the violation(s) listed above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If Ashland can provide documentation which shows that EPA's determination of the alleged violation(s) are in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any correspondence provided by Ashland concerning this NOV shall be addressed to:

Mr. Jan P. Szaro
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, Pennsylvania 19103

If you have any questions regarding this matter, please feel free to contact Mr. Szaro, Enforcement Officer, at (215) 814-3421.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Jan 10, 2011
Date

Enclosure(s)

cc: H. Dye (MDE) w/o
J. Szaro (3LC70) w/o
T. DiFiore (3LC70) w/o